

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BERNARD OWUSU BOATENG,

Petitioner,

v.

WILLIAM BARR, Attorney General,
THOMAS FEELEY, Field Office Director
for Detention and Removal, Buffalo Field
Office, Bureau of Immigration and
Customs Enforcement, and JEFFREY
SEARLS, Facility Acting Director Buffalo
Federal Detention Facility,

Respondents.

ORDER

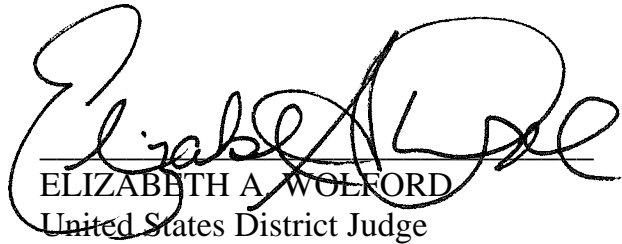
6:19-CV-06922 EAW

Respondents inexplicably seem either unwilling or incapable of following the Court's instructions—namely, to submit evidentiary proof supporting their contention that Petitioner has been removed from this country, thus justifying dismissal of the petition on the grounds of mootness pursuant to Fed. R. Civ. P. 12(b)(1). With their first motion, Respondents submitted only a memorandum of law and no evidentiary proof. (Dkt. 12). The Court issued a Text Order directing the submission of supplemental information (Dkt. 13), but Respondents ignored that direction. This resulted in the first motion being denied with the direction that any renewed motion be supported by sufficient evidentiary proof. (Dkt. 14). Respondents have filed a renewed motion, but they have simply recycled their initial memorandum of law by re-dating it and adding the words “See Attached Detention History,” and then attaching to their memorandum of law a one-page document that

appears to be some type of print-out from a computer. (Dkt. 15). No declaration is included with the motion. This is not evidentiary proof.

Accordingly, the second motion to dismiss is denied. (Dkt. 15). Respondents' continued failure to comply with the Court's basic instructions has wasted valuable judicial time and resources. Any further lack of compliance may result in sanctions.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: December 28, 2020
Rochester, New York